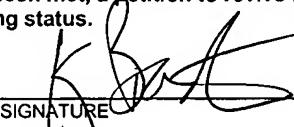


10/507275

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 082368-001100US
INTERNATIONAL APPLICATION NO. PCT/JP03/02918	INTERNATIONAL FILING DATE March 12, 2003	PRIORITY DATE CLAIMED March 12, 2002
TITLE OF INVENTION CDC7-ASK KINASE COMPLEX, SUBSTRATES OF THE KINASE COMPLEX, SPECIFIC ANTIBODIES TO THE SUBSTRATES, AND SCREENING METHODS USING THE SAME TO SCREEN FOR COMPOUNDS COMPRISING CDC7-ASK KINASE INHIBITORY ABILITY		
APPLICANT(S) FOR DO/EO/US Hisao MASAI and Katsuyuki TAMAI		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> </p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul> </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input checked="" type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: Express Mail Label No.: EV 566968204 US; Notification of Error in Establishment of Small Entity Status and Payment of Deficiency Owed.</p>		

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/507,275		INTERNATIONAL APPLICATION NO. PCT/JP03/02918		ATTORNEY'S DOCKET NUMBER 082368-001100US	
The following fees have been submitted:				CALCULATIONS PTO USE ONLY	
21. <input type="checkbox"/> Basic national fee ..... \$300				\$	
22. <input type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4). ..... \$100 All other situations ..... \$200				\$	
23. <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$100 International Search Report prepared and provided to the Office ..... \$400 All other situations ..... \$500				\$	
<b>TOTAL OF 21, 22 and 23 =</b>				\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$ 130	
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	
Total claims		- 20 =		x \$ 50	\$
Independent claims		- 3 =		x \$200	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360	\$
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 130	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.				\$	
<b>SUBTOTAL =</b>				\$ 130	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+ \$	
<b>TOTAL NATIONAL FEE =</b>				\$ 130	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+ \$	
<b>TOTAL FEES ENCLOSED =</b>				\$ 130	
06/16/2005 SHAJARRO 00000002 201430 10507275				Amount to be refunded:	\$
01 FD:1617 130.00 DA				Amount to be charged:	\$ 130
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>20-1430</u> in the amount of \$ <u>130.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>20-1430</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.</p>					
<p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Kevin L. Bastian, Esq. Townsend and Townsend and Crew LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111</p> <p> SIGNATURE Kevin L. Bastian NAME 34,774 REGISTRATION NUMBER</p>					

"Express Mail" Label No. EV 566968204 US  
Date of Deposit June 8, 2005

PATENT  
Docket No.: 082368-001100US  
Client Ref. No.: M3-A0201P-US

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

By: Aaron Hokamura

Aaron Hokamura

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

MASAI and TAMAI

Application No.: 10/507,275

Filed: September 9, 2004

Int'l Application No.: PCT/JP03/02918

Int'l Filing Date: March 12, 2003

For: Cdc7-ASK KINASE COMPLEX, SUBSTRATES OF THE KINASE COMPLEX, SPECIFIC ANTIBODIES TO THE SUBSTRATES, AND SCREENING METHODS USING THE SAME TO SCREEN FOR COMPOUNDS COMPRISING Cdc7-ASK KINASE INHIBITORY ABILITY

Customer No.: 20350

Examiner:

Art Unit:

**NOTIFICATION OF ERROR IN ESTABLISHMENT OF SMALL ENTITY STATUS AND PAYMENT OF DEFICIENCY OWED**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application was filed on September 9, 2004 as a U.S. National Phase application based on PCT/JP03/02918, filed March 12, 2003, with an authorization to charge a fee of \$430.00 and an authorization for the Commissioner to charge any additional fees to the Townsend and Townsend and Crew Deposit account No. 20-1430.

The payment of the \$430 fee was apparently construed by the Patent Office as an assertion of Small Entity Status, as indicated on the *Notification of Missing Requirements Under 35 USC 371 in the United States Designated/Elected Office (DO/EO/US)* mailed April 11, 2005.

The establishment of Small Entity Status in this application was made in error. The following submission and itemization are believed to meet the requirements of 37 C.F.R. Sections 1.28(c)(1) and (c)(2) and MPEP Section 509.03(X). Therefore, Applicants respectfully request the deficiency payment be processed and the application be accorded large entity status. Any errors made by the applicant in the initial payment of filing fees were merely clerical in nature and without deceptive intent.

In order to complete the requirements for the acceptance under 35 U.S.C. 371, please deduct the following fees, itemized for your convenience below, in order to properly pay for the filing of the above-referenced U.S. National Phase application.

ITEMIZATION AND CALCULATION OF THE DEFICIENCY OWED

FILING DATE OF THE FEE	TYPE OF FEE	SMALL ENTITY FEE PAID	(CURRENT) LARGE ENTITY FEE FOR ACTION	DEFICIENCY PAYMENT OWED
09/09/2004	Basic National Fee	430	300	-130
06/08/2005	Examination Fee	0	200	200
06/08/2005	Search Fee	0	400	400
06/08/2005	Excess Claim Fees (5 Extra Independent Claims)	0	1000	1000

**TOTAL DEFICIENCY PAYMENT OWED: \$1470.00**

Applicants hereby authorize the Commissioner to deduct \$1470.00 from Deposit Account No. 20-1430. Please deduct any additional fees due from, or credit any overpayment to, the above-noted Deposit Account.

MASAI and TAMAI  
Application No.: 10/507,275  
Page 3

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, he is invited to telephone the undersigned at 415.576.0200.

Respectfully submitted,

  
Kevin L. Bastian  
Reg. No. 34,774

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
KLB:ath  
60510018 v1



## UNITED STATES PATENT AND TRADEMARK OFFICE

082368-001100US  
 K3K, SF  
 KLB, SF  
 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/507,275	Hisao Masai	082368-001100US
INTERNATIONAL APPLICATION NO.		
PCT/JP03/02918		
IA. FILING DATE	PRIORITY DATE	
03/12/2003	03/12/2002	

20350  
 TOWNSEND AND TOWNSEND AND CREW, LLP  
 TWO EMBARCADERO CENTER  
 EIGHTH FLOOR  
 SAN FRANCISCO, CA 94111-3834

CONFIRMATION NO. 2728  
 371 FORMALITIES LETTER  
 \*OC000000015690256\*  
 \*OC000000015690256\*

Date Mailed: 04/11/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/09/2004
- English Translation of the IA filed on 09/09/2004
- Copy of the International Search Report filed on 09/09/2004
- Copy of IPE Report filed on 09/09/2004
- Preliminary Amendments filed on 09/09/2004
- Information Disclosure Statements filed on 09/09/2004
- Biochemical Sequence Diskette filed on 09/09/2004
- Biochemical Sequence Listing filed on 09/09/2004
- Small Entity Statement filed on 09/09/2004
- U.S. Basic National Fees filed on 09/09/2004
- Priority Documents filed on 09/09/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$65** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

b3b

- \$65 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

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Telephone: (703) 308-9140 EXT 206

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/507,275	PCT/JP03/02918	082368-001100US

FORM PCT/DO/EO/905 (371 Formalities Notice)